

Teresa B. Clemmer (AK Bar No. 0111059)
CLEMMER LAW OFFICE LLC
PO Box 4086
Palmer, AK 99645
Phone: 907-982-2774
tclemmer@clemmerlaw.net

Counsel for Plaintiffs Alatna Village Council, Evansville Tribal Council, Tanana Tribal Council, and Tanana Chiefs Conference

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ALATNA VILLAGE COUNCIL, *et al.*,

Plaintiffs,

v.

STEVEN COHN, in his official capacity, *et al.*,

Defendants,

and

AMBLER METALS, LLC, *et al.*,

Intervenor-Defendants.

Case No. 3:20-cv-00253-SLG

PLAINTIFFS' MOTION TO ACCEPT OVERLENGTH BRIEF

PLAINTIFFS' MOTION TO ACCEPT OVERLENGTH BRIEF
Alatna Village Council v. Heinlein, 3:20-cv-00253-SLG

Plaintiffs hereby move this Court to accept their overlength brief responding to Intervenors' Joint Motion for Clarification (ECF 171). Local Civil Rule 7.4(a)(2) generally limits responses to 5,700 words. Plaintiffs' response brief accompanying this motion contains 6,690 words, exclusive of the text exempted by Rule 7.4(a)(4), and this represents roughly a 17% increase in length.

A modestly overlength brief is appropriate in light of the complexity of the issues raised by Intervenors' motion, the potentially dispositive effect on Plaintiffs' pending NHPA § 106 claims, and the potential for irreparable harm to cultural resources if NHPA § 106 protections are deemed inapplicable on State and Native corporation lands or if BLM's preclusion of geotechnical drilling operations is eliminated.

Given the potential for harmful impacts or a dispositive effect analogous to a motion under Fed. R. Civ. P. 12(b), for which there would be a 10,000-word limit under Local Civil Rule 7.4(a)(1), Plaintiffs seek to submit a somewhat longer response brief than allowed under the default rule in order to fully address these issues and thereby protect their fundamental interest in maintaining their traditional Indigenous way of life. Plaintiffs have nonetheless endeavored to present their response in as concise a manner as possible.

For the foregoing reasons, Plaintiffs respectfully urge this Court to accept their overlength brief of 6,684 words, not including the text exempted under Rule 7.4(a)(4).

DATED: February 22, 2023

Respectfully submitted,

CLEMMER LAW OFFICE, LLC

By: *s/ Teresa B. Clemmer*

Teresa B. Clemmer (AK Bar No. 0111059)

Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that, on February 22, 2023, I caused copies of the following:

PLAINTIFFS' MOTION TO ACCEPT OVERLENGTH BRIEF and

[PROPOSED] ORDER

to be filed with the Court and served by electronic means on all counsel of record through the Court's CM/ECF system.

/s/ *Teresa B. Clemmer*
Teresa B. Clemmer